

JAMES T. SIMONITSCH

INDEPENDENT MARINE SURVEYOR

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March 17, 2006

REC'D MAR 23 2006

Mr. Kenneth Chiarello By FAX and USPS
Clinton & Muzyka
One Washington Mall, Suite 1400
Boston, MA 02108

Mr. Timothy Duffy
Mason & Duffy, PC
72 Sharp Street, Unit A9
Hingham, MA 02043

Re: ONEBEACON AMERICA INSURANCE CO. VS. BLUEWATER
ENTERPRISES INC., US DISTRICT COURT (MASSACHUSETTS)
CIVIL ACTION #04-11753-JLT

Dear Mr. Chiarello and Mr. Duffy,

Mr. Kevin McLaughlin of Fairhaven Shipyard and Marina contacted me on Thursday, March 16, 2006 to inform me that Mr. Duffy stated that the owner of the "Prim Lady" was not available to show the boat to the estimator until March 27, 2006. This was news to me.

No mention was made at the Status Conference of March 7, 2006 that the owner would not be readily available. No response was received to my FAX/letter of March 14, 2006.

This delay causes me great concern as it puts the umpire in peril of not meeting the court's deadline for having an estimate for the repair of collision related damages ready for presentation to the court by April 10, 2006.

I continue to operate in the absence of the written court order setting forth the tasks and deadlines. In the event my attendance is required at the Status Conference of April 12, 2006, I respectfully request formal notification.

Given the Court's deadline and the non-availability of the boat owner until

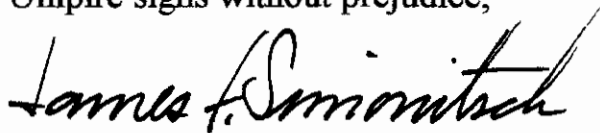
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March 27, 2006, I respectfully request that representatives of the boat owner make the boat available during the week of March 20-24, 2006 in order that the estimator can inspect the boat's collision damages for the purpose of preparing the court ordered estimate. Contact should be made directly with Mr. Kevin McLaughlin at Fairhaven Shipyard and Marina at 508-999-1600.

In the event it is not possible for the owner's representative (s) to show the boat, prior to March 27, 2006, I respectfully request to be informed immediately so that I, in turn, can request an extension of time from the Court.

By a copy of this letter to Ms. Zita Lovett, I am keeping the court in this communication loop, lest the umpire be faulted for failure to follow the court's instructions. I am also providing Ms. Lovett with a copy of my letter to you of March 24, 2006.

Umpire signs without prejudice,

A handwritten signature in black ink, reading "James T. Simonitsch". The signature is written in a cursive, flowing style with a prominent initial "J".

James T. Simonitsch
Certified Marine Surveyor

- Cc: 1. Ms Zita Lovett with a copy of letter dated March 14, 2006, by FAX only.
2. Kenvin McLaughlin, Fairhaven Shipyard and Marina. by FAX only